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MICHAEL D. LIEDER (DC)  
CYRUS MEHRI (DC, CT)

OF COUNSEL  
U.W. CLEMON (AL)  
N. JEREMI DURU (DC, MD)  
STEVEN A. SKALET (DC, MD)

February 16, 2022

Honorable Robert D. Drain  
United States Bankruptcy Court for the  
Southern District of New York  
300 Quarropas St.  
White Plains, NY 10601

Re: Public School District Creditors' Letter in Support of Document Dedesignation To  
Be Considered by the Court on February 17, 2022, in Case No. 19-23649.

Dear Judge Drain:

This letter on behalf of Public School District Creditors (PSDC) supports the goal of the challenge letter filed by NAS Children's creditor's counsel on December 8, 2021 (ECF no. 4211). If as NAS counsel suggests the documents are not properly designated as confidential, they should be produced promptly because they could be critically important in pending litigation.

By way of background, Public School Districts have filed cases in in both MDL 2804 against multiple opioid industry defendants before Judge Dan Aaron Polster, and in MDL 2996, pending before Judge Charles Breyer, against McKinsey entities for conspiring with Purdue. Judge Breyer appointed me to serve on the Plaintiffs Steering Committee to represent the interests of Independent Public School Districts. I am also serving on the Purdue Disclosure Oversight Board in this proceeding.

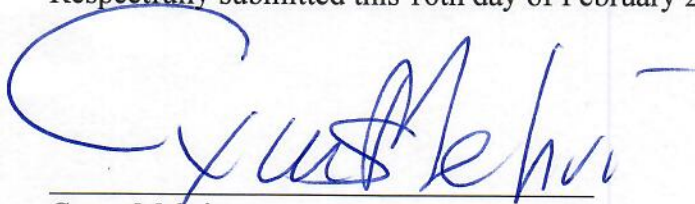
The need to make available documents improperly designated as confidential is particularly acute in MDL 2804. On July 23, 2021, Judge Polster entered a Case Management Order that requires Public School Districts to provide disclosures, including expert disclosures by early May of 2022. The documents at issue in the Challenge letter could be highly relevant to expert analyses currently underway. Each of the 11,000 documents referenced in the challenge letter have the potential to benefit the Public School District Creditors in meeting their responsibilities to the court in MDL 2804 and could be useful for expert disclosures. In addition, the documents are also relevant to Public School Districts' claims against McKinsey, "turbocharging" OxyContin sales, even at the height of the opioid epidemic.

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Equally importantly, scientists are studying the adverse effects of opioids on children exposed to them in utero. Holding up disclosure of documents impedes scientific progress and in turn, delays the introduction of scientifically-based abatement strategies in public schools.

A child is born in the U.S. every 15 to 20 minutes with neonatal opioid withdrawal syndrome (NOWs) who disproportionately need special education and other educational supports from public schools who are on the frontlines of this aspect of the opioid crisis. These children, their parents, and the schools that educate these children need as much information as they can get, as quickly as it can be released, to address the needs of these children. If the Debtors have been overinclusive in their confidentiality designations that should be remedied within thirty days. Otherwise, the debtors will adversely affect the administration of justice as suggested by the aphorism, "justice delayed is justice denied". *United States v. Bert*, 801 F.3d 125, 137 (2d Cir. 2015).

Respectfully submitted this 16th day of February 2022.



Cyrus Mehri  
Mehri & Skalet, PLLC

Cc: Counsel to the Debtors  
Counsel to the UCC  
Counsel to the NAS Children Ad Hoc Committee